

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3372

DATE: August 19, 2002

PROPOSAL: A change of zone from R-3 Residential to H-2 Highway Business.

LAND AREA: Approximately 9.16 acres.

CONCLUSION: This change of zone request is not consistent with the Comprehensive Plan and would allow incompatible uses at this site.

<u>RECOMMENDATION:</u>	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Hanson-Jordan Addition except north part for road, Lancaster County, Nebraska.

LOCATION: Southwest of the intersection of North 40th Street and Superior Street.

APPLICANT/

OWNER: Believers Fellowship of Lincoln
645 M Street
Lincoln, NE 68508
(402) 476-2413

CONTACT: J. Michael Rierden
645 M Street Suite 200
Lincoln, NE 68508
(402) 476-2413

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Agriculture

SURROUNDING LAND USE AND ZONING:

North:	Vacant, Salt Creek	R-3
South:	Single-family Residential	R-2, R-5
East:	Residential	R-2, R-3
West:	Vacant, Salt Creek	R-3

COMPREHENSIVE PLAN SPECIFICATIONS:

- Page F15 - Guiding Principles from the Comprehensive Plan Vision
 - Quality of Life Assets: The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan.
- Page F18 - Guiding Principles for the Urban Environment
 - Residential Neighborhoods: Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood.
- Page F24 - Future Land Use Map
 - This land is designated as Urban Residential in the Land Use Plan.
- Page F37 - Commercial and Industrial Development Strategy
 - The commercial and industrial development strategy presented below seeks to fulfill two notable objectives: (1) the approach is designed to provide flexibility to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of predictability as to where such employment concentrations might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue.
- Page F38 - General Principles for all Commercial and Industrial Uses
 - Commercial and industrial districts in Lancaster County shall be located: (1) outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning; (2) in sites supported by adequate road capacity - commercial development should be linked to the implementation of the transportation plan; (3) in areas compatible with existing or planned residential uses.
- Page F41 - Guiding Principles for Commerce Centers
 - Strip commercial development is discouraged.
- Page F51 - Guiding Principles
 - Environmental Stewardship: "Clean air, clean water, parks and open space, mature trees, signature habitats, and prime and productive farmlands are valuable assets. Conservation areas, floodplains, greenspaces and parklands define and help create linkages between neighborhoods and surrounding population centers....."
- Page F69 - Guiding Principles for Existing Neighborhoods
 - 1. Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single-family faces single-family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.

- Page F79 - Watershed Management
 - Floodplain Management: special consideration should also be given to the Salt Creek floodplain from Van Dorn Street to Superior Street where the FEMA Flood Insurance Study recommends preserving flood storage so as not to increase flood heights greater than one foot.

UTILITIES: This area is within the Future Service Limit of the Comprehensive Plan. All utilities are available or planned for this area.

TOPOGRAPHY: The topography is flat across the site.

TRAFFIC ANALYSIS: Superior Street is classified as a principle arterial adjacent to this site. The Comprehensive Plan states that "For other principle arterials, the concept of service to abutting land is subordinate to serving major traffic movements (page F102 - Other Principle Arterials).

North 40th Street adjacent to this site is designated in the Comprehensive Plan as a local street, and is constructed to the local street standard.

PUBLIC SERVICE: This area is served by City of Lincoln public safety services and utilities, and by Lincoln Public Schools.

ANALYSIS:

1. This site is located in an area roughly bounded by Salt Creek, Superior Street and Cornhusker Highway that is designated as Urban Residential by the Land Use Plan of the 2025 Comprehensive Plan, a designation carried over from the 1994 Comprehensive Plan. As a result, this area has developed over time consistent with that designation and is predominantly residential in nature. The proposed change of zone from R-3 to H-2 is not consistent with this designation.

2. This request seeks to change zoning on property designated for residential uses from residential to commercial. This represents encroachment into a neighborhood inconsistent with the Comprehensive Plan.

3. The only developed parcels surrounding this site are on the east and south, and they are developed with residential uses. The intensity of the commercial development allowed in the H-2 district, which among other uses includes banks, restaurants, bakeries, bottling works, printing shops, mini warehouses, retail under 20,000 square feet, service stations and auto repair, car washes, motels, recycling centers, outdoor theaters, and sexually oriented live entertainment establishments, is not compatible with the established uses in the area.

4. North 40th Street is a local street and is not designed to accommodate commercial traffic. Superior Street is an arterial and is designed to accommodate a large traffic volume. As a

result, the more appropriate access point for commercial uses would be from Superior Street. However, providing access to abutting uses is subordinate to the primary role for an arterial street of moving traffic. As noted in the Public Works and Utilities review, access to Superior Street at this location is not desirable. Proximity to both the Salt Creek bridge and to the North 40th/Superior Streets intersection will be a concern for any proposed driveways onto Superior Street at this location.

5. This site is entirely located within the 100-year floodplain. To allow commercial development to occur is contrary to the Comprehensive Plan which directs all new commercial and industrial development out of floodplains. Additional recommendations and guidelines are forthcoming as the Mayor's Floodplain Taskforce finishes work on draft revisions to the City's floodplain regulations due later this year.

Prepared by:

Brian Will, AICP
Planner



Superior St.

Area of Application
from R-3 to H-2

N. 40th St.

Ballard Cir

Jersey Cir

Turner St.

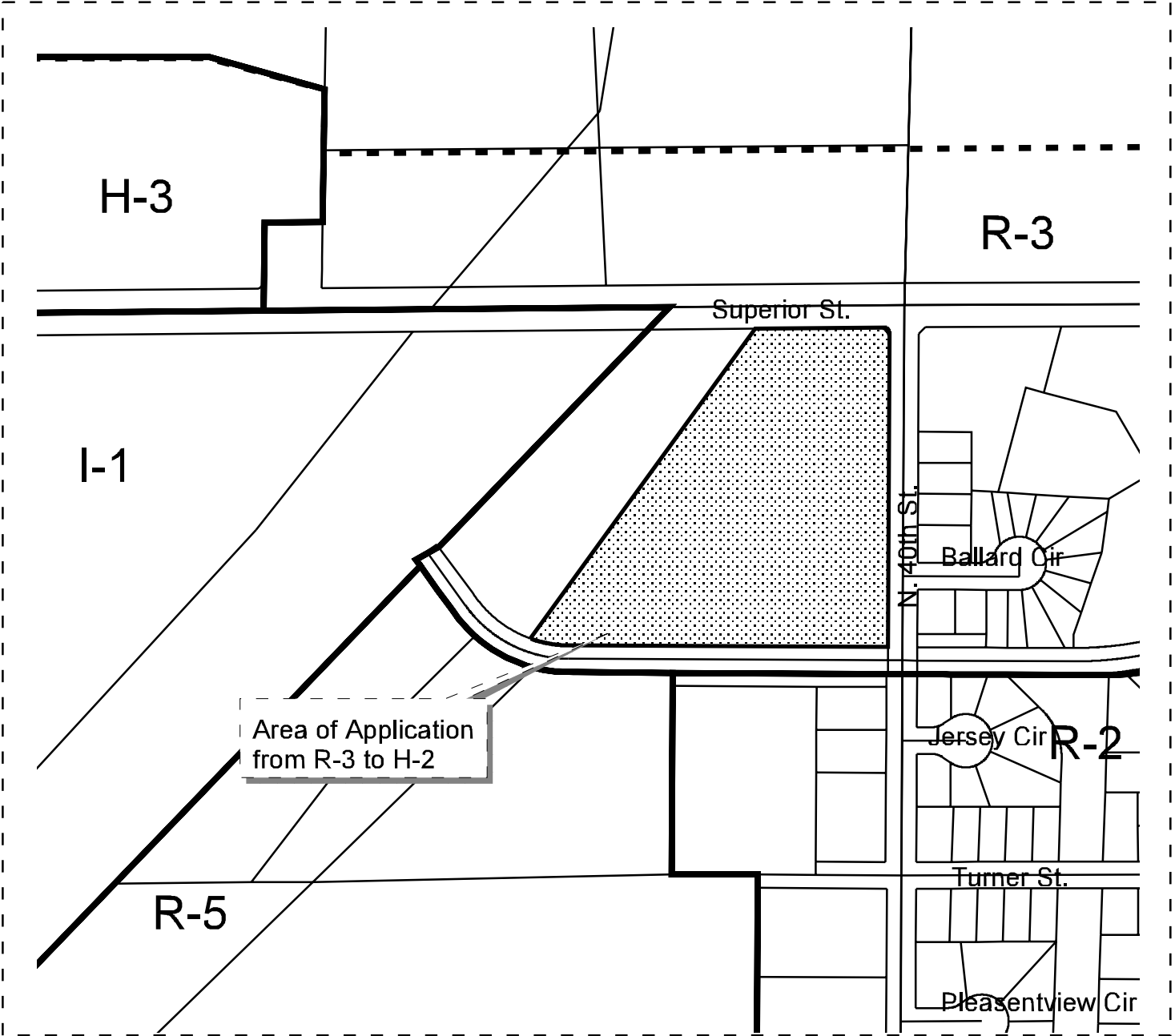
Pleasantview Cir



Change of Zone #3372 N. 40th St. & Superior St.

Photograph Date: 1999

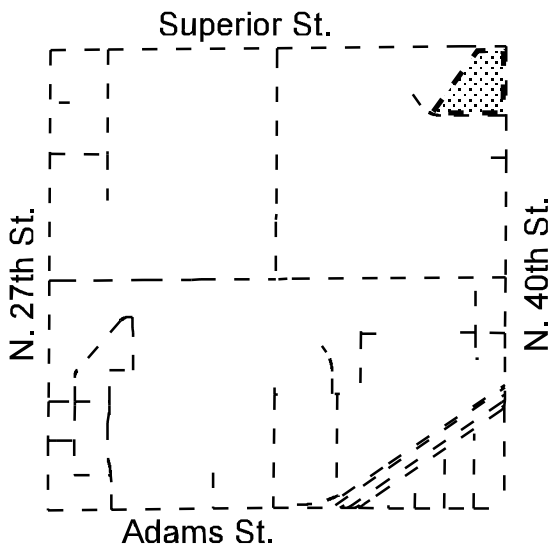
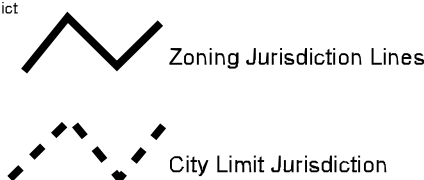
Lincoln City - Lancaster County Planning Dept.



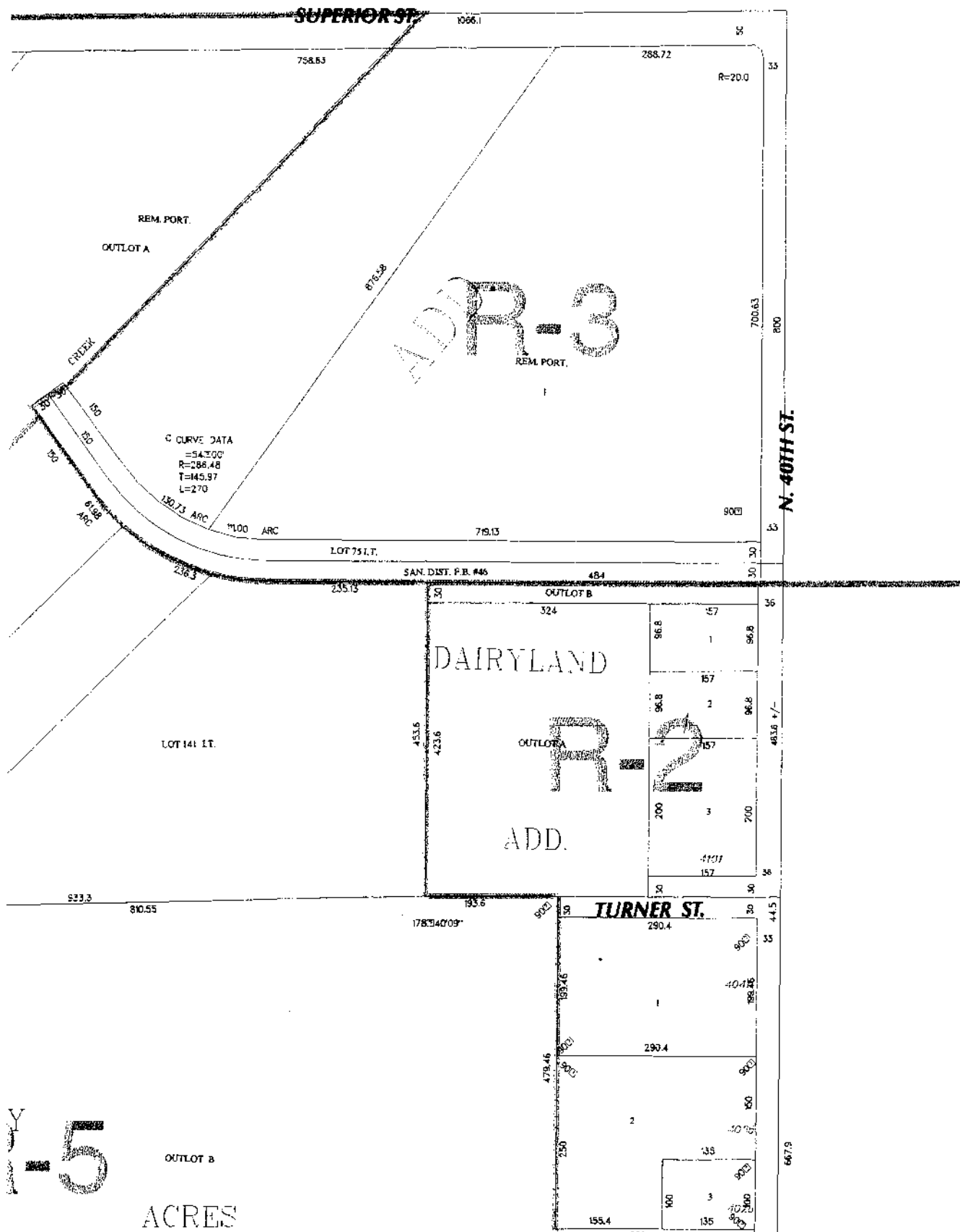
Change of Zone #3372 **N. 40th St. & Superior St.**

- Zoning:**
- R-1 to R-8 Residential District
 - AG Agricultural District
 - AGR Agricultural Residential District
 - R-C Residential Conservation District
 - O-1 Office District
 - O-2 Suburban Office District
 - O-3 Office Park District
 - R-T Residential Transition District
 - B-1 Local Business District
 - B-2 Planned Neighborhood Business District
 - B-3 Commercial District
 - B-4 Lincoln Center Business District
 - B-5 Planned Regional Business District
 - H-1 Interstate Commercial District
 - H-2 Highway Business District
 - H-3 Highway Commercial District
 - H-4 General Commercial District
 - I-1 Industrial District
 - I-2 Industrial Park District
 - I-3 Employment Center District
 - P Public Use District

One Square Mile
 Sec. 7 T10N R7E



TOWNSHIP SECTION 07-10-07



LEC
ZONIN

AG

AGR

R-1

R-2

R-3

R-4

R-5

R-6

R-7

R-8

0-1

0-2

0-3

B-1

R-T

B-2

B-3

B-4

B-5

H-1

H-2

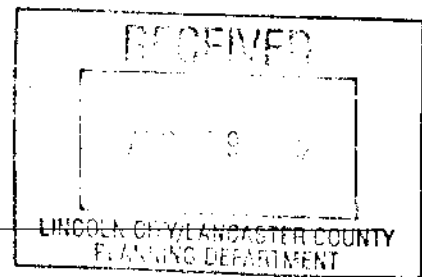
H-3

H-4


I-1

1-2

M e m o r a n d u m



To: Brian Will, Planning

From:  Dennis Bartels, Public Works and Utilities

Subject: Change of Zone R3 to H2

Date: August 19, 2002

cc: Randy Hoskins
Virendra Singh

Engineering Services has reviewed the request for a change of zone from R3 to H2 for property approximately 800 feet on the west side of 40th Street south of Superior Street and has the following comments:

1. The H2 property would need to take access to North 40th Street. North was built as a local residential street and is not designed to standards for commercial traffic. Access to Superior for development of this property is not desirable.
2. Engineering Services recommends denial of this change of zone. A plat identifying access points, a traffic study and potential land use information is needed before Engineering Services would reconsider that recommendation or be able to identify improvements that might make H2 acceptable.